Filing of PILs on frivolous grounds

*349. SHRIMATI MOHSINA KIDWAI:
SHRI VIJAY J. DARDA:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether Government are aware that PILs on flimsy grounds are being filed in the Supreme Court/High Courts on subjects like broadband service providers accountability, reduction in VAT on catering and similar services, banning construction of shopping malls etc. which take lot of time of the courts, where the arrears of cases are already very large; and

(b) if so, whether Government will initiate measures, in consultation with judiciary, to admit PILs only on subjects like security of the nation, freedom of expression or infringement of individual's rights guaranteed in the Constitution, denial of justice to the victims, interest of SCs/STs being overlooked, etc.?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) and (b) Whether or not the grounds on which a PIL is filed in the Supreme Court/High Courts are frivolous is a matter to be decided by the Supreme Court or the High Court, as the case may be. The matter falls exclusively within the jurisdiction of the higher judiciary.

The Jurisdiction as to PILs has been exercised by the Courts within their writ jurisdiction which has been conferred by the Constitution. The Courts have been exercising their jurisdiction and discretion in selecting causes which should be heard by them in detail. The Courts have also laid certain parameters to sieve worthy PILs from Publicity/Private/Pise/ Political Interest Litigations. In Dr. B.K.Subbarao Vs. K. Parasaran 1996(7) JT 265 the Court cautioned "No litigant has a right to unlimited drought on the Court time and public money in order to get his affairs settled in the manner *as he wishes".* Easy access to justice should not be misused as a licence to file misconceived and frivolous petitions.

There is no proposal before the Government to curb the PIL jurisdiction forming part of the writ jurisdiction of the Courts which is one of the basic features of the Constitution.